

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Case No. 4:23-cv-00067-M

STATE OF NORTH CAROLINA,
ON SLOW COUNTY COURT et al.,

Plaintiffs,

v.

WILLIAM HERCULES DAVIS, JR.,

Defendant.

ORDER

This matter comes before the court on the memorandum and recommendation (“M&R”) issued pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72(b) by United States Magistrate Judge Brian S. Meyers. DE 8. Judge Meyers recommends that this court remand the matter to the to the state court in Onslow County, North Carolina. *Id.* To date, no objections have been filed.¹

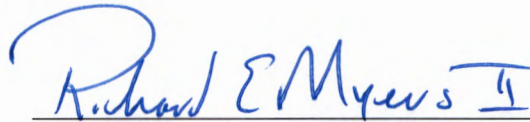
A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial*

¹ Judge Meyers issued the M&R on November 14, 2023. Objections were due to be filed on or before December 4, 2023. *See* DE 8 The M&R were submitted to this court for disposition on December 15, 2023.

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, this matter is remanded to the state court in Onslow County, North Carolina. The Clerk of Court is directed to close this case.

SO ORDERED this 19th day of December, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE